

Lon A. Jenkins (4060)  
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OFFICE CHAPTER 13 TRUSTEE  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

In re:  JASON BOYD JACOBS JANA JEAN JACOBS  Debtors.	Case No. 16-22627 Chapter 13 Hon. Kevin R. Anderson (Confirmation Hearing: 06/14/16 at 1:00 PM)
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**TRUSTEE'S OBJECTION TO CONFIRMATION**

This is a below-median case and the Debtors' plan provides for payments of \$605.00 to return \$2,054.67 to nonpriority unsecured creditors. Lon A. Jenkins, Chapter 13 Trustee, hereby objects to confirmation of the Debtors' plan and in support thereof represents as follows:

1. The Trustee has filed a Motion to Dismiss in this case. Pursuant to Local Rule 2083-1(f), you must file an objection to this with the bankruptcy court within 21 days after service of the motion, or the bankruptcy court clerk must enter an order dismissing the case. Unless otherwise directed by the court, this motion will be heard at the confirmation hearing.

2. Counsel has not selected at Paragraph 5 the amount of attorney's fees to be paid through the Plan.

3. The income on Schedule I for Jason Boyd Jacobs should be averaged throughout

the year and including the average unemployment compensation received throughout the year.

4. The Trustee requests that the Debtors provide a statement regarding the disposition of the 2015 tax refunds and evidence as to the date they were received. The Trustee reserves the right to raise any objections under the best-interest-of-creditors test of § 1325(a)(4) once these documents are received.

5. The Debtors prior case (15-29494) was dismissed 3/30/2016. Based upon information and belief the Debtors received their 2015 tax refunds in February of approximately \$6,383. The Debtors failed to turn over the tax refund to the Trustee as required by the Confirmation Order. The Trustee requests a Court ruling that the tax refunds were not spent in bad faith when the Debtors filed this petition one day after their last case was dismissed, requests that all future tax refunds will be contributed to the plan in a timely manner and that if any cause exists for dismissal of this case that the case be dismissed with prejudice and a bar to re-filing any petition for not less than 180-days under § 109(g).

THEREFORE, the Trustee objects to confirmation of the Debtors' plan. If the Debtors are unable to resolve the Trustee's objection by the confirmation hearing, the Trustee will move to dismiss or convert this case.

DATED: May 19, 2016.

/s/ Brian J. Porter  
BRIAN J. PORTER  
Attorney for Chapter 13 Trustee

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 19, 2016, a true and correct copy of the foregoing paper was served electronically via CM/ECF to the persons listed below.

RUSSELL B. WEEKES  
ECF NOTIFICATION

The undersigned hereby certifies that on May 19, 2016, a true and correct copy of the foregoing paper was addressed to the following persons and deposited in the U.S. Mail, first-class postage prepaid.

JASON BOYD JACOBS  
JANA JEAN JACOBS  
2459 OX YOKE DRIVE  
EAGLE MOUNTAIN, UT 84005

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/s/  
Office Chapter 13 Trustee